

for the Western District of Pennsylvania

United States of America

v.

Judy Denastasio

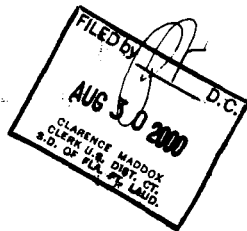
00-6245 CR-DIMITROULEAS

MAGISTRATE JUDGE Criminal No. 99-207
SNOW

Consent to Transfer of Case

for Plea and Sentence

(Under Rule 20)



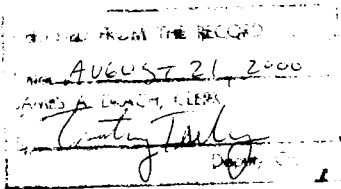
I, Judy Denastasio, defendant, have been informed that a 1 Indictment (indictment, information, complaint) is pending against me in the above designated cause. I wish to plead guilty (guilty, nolo contendere) to the offense charged, to consent to the disposition of the case in the Southern District of Florida in which I (am under arrest, am held) and to waive trial in the above captioned District.

Dated: August 15, 2000 at Miami, FL

(Defendant)

(Witness)

(Counsel for Defendant)



Approved

United States Attorney for the

Western

District of

Pennsylvania

United States Attorney for the

Southern

District of

Florida

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
WESTERN DISTRICT OF PENNSYLVANIA
P. O. BOX 1805
PITTSBURGH, PA 15230
WWW.PAWD.USCOURTS.GOV

JAMES A. DRACH
CLERK
412-208-7500

IN REPLYING, GIVE NUMBER
OF CASE AND NAMES OF PARTIES

DATE: August 21, 2000

Carlos K. Juenke, Clerk
U.S. District Court
Southern District of Florida
Federal Courthouse Square
301 North Miami Avenue
Miami, FL 33128-7788

Re: USA vs JUDY DENASTASIO

Criminal No. 2:99-cr-207

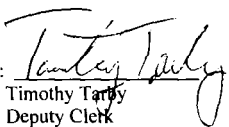
Dear Sir or Madam:

I am forwarding herewith certified copies of the following documents at the direction of the United States Attorney and in accordance with the provisions of Rule 20 of the Federal Rules of Criminal Procedure: Indictment, Indictment Memorandum, Docket Entries, Consent to Transfer and Notice of Transfer.

Also enclosed is a copy of this letter. Please acknowledge receipt on this copy and return to this office.

Very truly yours,

JAMES A. DRACH
CLERK OF COURT

By: 
Timothy Tardy
Deputy Clerk

Enclosures

cc: United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JUDY DENASTASIO

)
) Criminal No. 79-207
) (21 U.S.C. § 846)
) (UNDER SEAL)

INDICTMENT

The grand jury charges:

That from in or around 1996, the precise date being unknown to the grand jury, and continuing thereafter through on or about February 17, 1998, in the Western District of Pennsylvania and elsewhere, the defendant, JUDY DENASTASIO, did knowingly, intentionally, and unlawfully conspire with persons known to the grand jury to distribute and possess with intent to distribute in excess of 500 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii).

In violation of Title 21, United States Code, Section 846.

A True Bill,

Julia E. Schulz
FOREPERSON

Hui
HARRY LITMAN
United States Attorney
PA I.D. No. 51634

| | |
|-----------------------|--------------|
| SEARCHED | INDEXED |
| SERIALIZED | FILED |
| AUGUST 21, 2000 | |
| JAMES A. DEATH, CLERK | |
| By: <i>Teetey</i> | Deputy Clerk |

U.S. DISTRICT COURT

1999 DEC -8 P 4:24

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

JUDY DENASTASIO)

Criminal No. 07-37
(UNDER SEAL)

CERTIFICATION AND NOTICE FOR FILING PRETRIAL MOTIONS

I hereby certify that I have been notified by the United States Magistrate Judge that all pretrial motions must be filed within ten (10) days of Arraignment unless the Court extends the time upon written application made within said ten (10) day period.

Date



Attorney for Defendant
JUDY DENASTASIO

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

JUDY DENASTASIO)

Criminal No. 77-001
(UNDER SEAL)

ARRAIGNMENT PLEA

Defendant JUDY DENASTASIO,
being arraigned, pleads

not guilty
in open Court this 21st day of
December, 1999.

Judy Denastasio
(Defendant's Signature)

[Signature]
(Attorney for Defendant)

DEC 21

U.S. DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JUDY DENASTASIO

Criminal No. 99-27
(UNDER SEAL)INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Harry Litman, United States Attorney for the Western District of Pennsylvania, and Michael Leo Ivory, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a one-count Indictment against the above-named defendant for alleged violations of federal law:

| <u>COUNT</u> | <u>OFFENSE/DATE</u> | <u>TITLE/SECTION</u> |
|--------------|---|----------------------|
| 1 | Conspiracy to possess with intent to distribute in excess of 500 grams of cocaine. From in or around 1996, and continuing thereafter through on or about February 17, 1998 | 21 U.S.C. § 846 |

II. ELEMENTS OF THE OFFENSE

As to Count 1:

In order for the crime of conspiracy to possess with intent to distribute in excess of 500 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code,

Section 846, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That two or more persons came to a mutual understanding or agreement to try to accomplish a common and unlawful plan to distribute and possess with intent to distribute a controlled substance, as charged in the Indictment.

United States v. Boyd, 595 F.2d 120 (3d Cir. 1978); United States v. Garcia, 655 F.2d 59, 62 (5th Cir. 1981); United States v. Allen, 613 F.2d 1248, 1253 (3d Cir. 1980).

2. That the defendants knowingly and willfully became members of such conspiracy.

United States v. Adams, 759 F.2d 1099, 1114 (3d Cir. 1985), cert. denied, 106 S.Ct. 275, 336; United States v. Bodolato, 701 F.2d 915, 921-922 (11th Cir. 1983), rehearing denied, 6/8/83.

3. That cocaine is a Schedule II controlled substance, pursuant to Title 21, United States Code, Section 812, Schedule II(a)(4).

III. PENALTIES

As to Count 1:

Conspiracy to possess with intent to distribute in excess of 500 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(b)(1)(B)(ii) and 846:

1. A term of imprisonment of not less than five (5) years to a maximum of forty (40) years;
2. A fine not to exceed \$2,000,000; and

3. A term of supervised release of at least four (4) years.

For a second or subsequent felony drug conviction that is final, whether federal, state, or foreign:

1. A term of imprisonment of not less than ten (10) years to a maximum of life;

2. A fine not to exceed \$4,000,000; and

3. A term of supervised release of at least eight (8) years.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed, pursuant to 18 U.S.C. § 3013, for each count on which the defendants are convicted, as those offenses occurred on or after April 24, 1996.

V. RESTITUTION

Not applicable in this case.

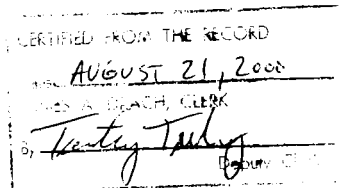
Respectfully submitted,

HARRY LITMAN
United States Attorney

Michael Leo Ivory

MICHAEL LEO IVORY
Assistant U.S. Attorney
PA I.D. No. 59296

Approval: Section Chief 12
Division Chief DM



CLOSED

U.S. District Court
Western District of Pennsylvania (Pittsburgh)

CRIMINAL DOCKET FOR CASE #: 99-CR-207-ALL

USA v. DENASTASIO
Dkt# in other court: None

Filed: 12/08/99

Case Assigned to: Judge Gary L. Lancaster

JUDY DENASTASIO (1)
defendant
[term 08/18/00]

Lee Markovitz
[term 08/18/00]
[COR LD NTC ret]
1220 Grant Building
Pittsburgh, PA 15219
(412) 391-5252

Neil M. Nameroff
[term 08/18/00]
[COR LD NTC ret]
100 S.E. Second Street
Suite 3350
Miami, FL 33131
(305) 536-8700

Pending Counts:

NONE

Terminated Counts:

Disposition

21:846 Conspiracy to possess
with intent to distribute in
excess of 500 grams of cocaine
(1)

Pursuant to Rule 20 Consent to
Transfer, this case is
transferred to the U.S.
District Court for the Southern
District of Florida, along with
certified copies of the
Indictment, Docket Entries,
Consent to Transfer, Notice of
Transfer and Cover Letter
(1)

Offense Level (disposition): 4

Complaints:

NONE

Docket as of August 21, 2000 8:09 am

Page 1

Proceedings include all events.
2:99cr207-ALL USA v. DENASTASIO

CLOSED

U. S. Attorneys:

Michael Leo Ivory
[COR LD NTC]
United States Attorney's Office
633 United States Post Office
and Courthouse
Pittsburgh, PA 15219
(412) 644-3500

Proceedings include all events.
2:99cr207-ALL USA v. DENASTASIO

CLOSED

12/8/99 1 INDICTMENT as to JUDY DENASTASIO (1) count 1 (seal)
[Entry date 12/09/99]

12/8/99 2 Indictment Memorandum as to JUDY DENASTASIO (seal)
[Entry date 12/09/99]

12/8/99 3 MOTION by USA as to JUDY DENASTASIO for issuance of Arrest
Warrant with Proposed Order. (seal) [Entry date 12/09/99]

12/8/99 -- ORDER upon motion granting [3-1] Motion for issuance of
Arrest Warrant as to JUDY DENASTASIO (1) (signed by Mag.
Judge Kenneth J. Benson on 12/8/99) CM all parties of
record. (seal) [Entry date 12/09/99]

12/8/99 -- ARREST WARRANT issued as to JUDY DENASTASIO (seal)
[Entry date 12/09/99]

12/8/99 4 MOTION by USA as to JUDY DENASTASIO to Seal Indictment and
Arrest Warrant with Proposed Order. (seal)
[Entry date 12/09/99]

12/8/99 -- ORDER upon motion granting [4-1] Motion to Seal Indictment
and Arrest Warrant as to JUDY DENASTASIO (1) (signed by
Mag. Judge Kenneth J. Benson on 12/8/99) CM all parties of
record. (seal) [Entry date 12/09/99]

12/13/99 -- ARREST of JUDY DENASTASIO in Southern District of Florida
(seal) [Entry date 12/20/99]

12/20/99 5 Rule 40 Documents as to JUDY DENASTASIO received from
Southern District of Florida (seal) [Entry date 12/20/99]

12/21/99 6 MOTION by JUDY DENASTASIO for Neil N. Nameroff to Appear
Pro Hac Vice Filing Fee \$ 40.00 Receipt # 2286 with
Proposed Order. (seal) [Entry date 12/21/99]

12/21/99 7 MOTION by USA as to JUDY DENASTASIO to Unseal Indictment
and Arrest Warrant with Proposed Order. (seal)
[Entry date 12/21/99]

12/21/99 -- ORDER upon motion granting [7-1] Motion to Unseal
Indictment and Arrest Warrant as to JUDY DENASTASIO (1)
(signed by Mag. Judge Robert C. Mitchell on 12/21/99) CM
all parties of record. (seal) [Entry date 12/21/99]

12/21/99 8 NOTICE of Appearance for JUDY DENASTASIO by Attorney Lee
Markovitz (emc) [Entry date 12/21/99]

12/21/99 -- Arraignment as to JUDY DENASTASIO held on 12/21/99 before
Mag. Judge Robert C. Mitchell [Reporter: none] Defendant
pleads not guilty. (with Document # 1) (emc)
[Entry date 12/21/99]

Proceedings include all events.
2:99cr207-ALL USA v. DENASTASIO

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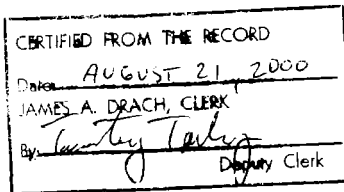
- 12/21/99 9 NOTICE of Appearance for JUDY DENASTASIO by Attorney Neil M. Nameroff (emc) [Entry date 12/21/99]
- 12/22/99 10 MOTION by JUDY DENASTASIO to Extend Time to File Pretrial Motions with Proposed Order. (emc) [Entry date 12/22/99]
- 12/22/99 11 NOTICE of Change of Address by JUDY DENASTASIO (emc) [Entry date 12/22/99]
- 12/23/99 12 ORDER as to JUDY DENASTASIO granting [10-1] motion to Extend Time to File Pretrial Motions as to JUDY DENASTASIO (1), reset Motion Filing deadline to 2/15/00 for JUDY DENASTASIO (signed by Judge Gary L. Lancaster on 12/23/99) CM all parties of record. (plh) [Entry date 12/23/99]
- 12/23/99 -- ORDER upon motion granting [6-1] motion for Neil N. Nameroff to Appear Pro Hac Vice Filing Fee \$ 40.00 Receipt # 2286 as to JUDY DENASTASIO (1) (signed by Judge Gary L. Lancaster on 12/22/99) CM all parties of record. (plh) [Entry date 12/23/99]
- 3/29/00 13 MOTION by JUDY DENASTASIO to Extend Time to File Pretrial Motions with Proposed Order. (emc) [Entry date 03/29/00]
- 3/30/00 14 ORDER as to JUDY DENASTASIO granting [13-1] Motion to Extend Time to File Pretrial Motions as to JUDY DENASTASIO (1), Reset Motion Filing deadline to 5/5/00 for JUDY DENASTASIO (signed by Judge Gary L. Lancaster on 3/30/00) CM all parties of record. (emc) [Entry date 03/30/00]
- 5/2/00 15 UNOPPOSED MOTION by JUDY DENASTASIO to Extend Time to File Pretrial Motions with Proposed Order. (emc) [Entry date 05/02/00]
- 5/3/00 16 ORDER as to JUDY DENASTASIO granting [15-1] Motion to Extend Time to File Pretrial Motions as to JUDY DENASTASIO (1), Reset Motion Filing deadline to 5/19/00 for JUDY DENASTASIO (signed by Judge Gary L. Lancaster on 5/2/00) CM all parties of record. (emc) [Entry date 05/03/00]
- 6/15/00 17 UNOPPOSED MOTION by JUDY DENASTASIO to Extend Time to File Pretrial Motions with Proposed Order. (emc) [Entry date 06/15/00]
- 6/16/00 18 ORDER as to JUDY DENASTASIO granting [17-1] Motion to Extend Time to File Pretrial Motions as to JUDY DENASTASIO (1), Reset Motion Filing deadline to 8/14/00 for JUDY DENASTASIO (signed by Judge Gary L. Lancaster on 6/16/00) CM all parties of record. (emc) [Entry date 06/16/00]
- 8/15/00 19 UNOPPOSED MOTION by JUDY DENASTASIO to Extend Time to File Pretrial Motions, with Proposed Order. (ces) [Entry date 08/16/00] [Edit date 08/21/00]

Proceedings include all events.
2:99cr207-ALL USA v. DENASTASIO

CLOSED

8/18/00 20

Consent to Transfer Case pursuant to (Rule 20) to Southern District of Florida. Terminated motions [19-1] motion to Extend Time to File Pretrial Motions as to JUDY DENASTASIO (1) Counts closed: JUDY DENASTASIO (1) count(s) 1 ; Certified copies of indictment, docket sheet, consent to transfer, notice of transfer and cover letter mailed to the USDC for the Southern District of FL. (tt)
[Entry date 08/21/00] [Edit date 08/21/00]



| | | |
|------------------------------------|--|---------------------------------|
| To: <u>Lynn Rosenblatt</u> | District Southern District of Florida | Date ✓ 5/15/00 |
| Name of Subject Judy Denastasio | Statute Violated 21-846 | File Data (Initials and Number) |

Part A-District of Arrest

- ☐ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your district. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is certified copy of waiver of indictment executed by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☐ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceedings or certified copies thereof to the Clerk of the Court in this district in accordance with Rule 20.
Docket No. _____
- ☐ Other (Specify): _____
- ☐ The above-named defendant entered a plea of guilty under Rule 20.
Date of Plea Date of Sentence Sentence

| | |
|----------------------------|---------|
| From (Signature and Title) | Address |
|----------------------------|---------|

Part B-District of Offense

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at _____ on _____ at _____ o'clock.
(Kindly notify me of any anticipated delay.)
- ☒ Enclosed are two certified copies of indictment or information. Docket No. 99-267
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify): _____

| | | |
|---|--|---------------------|
| Signature (Name and Title) Michael Leo Ivory <u>Michael Leo Ivory</u> Assistant U.S. Attorney | District Western District of Pennsylvania | Date 19 May 2000 |
|---|--|---------------------|

See United States Attorneys Manual 9-14.000 for explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.

Replaces OBD-101, Feb. 83 edition may be used